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(1846-1906)
HARRY C. HOWARD
(1871-1946)

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OF COUNSEL
WILLIAM J. HOWARD

Respond To:
Bloomfield Hills Office

September 19, 1990

via FEDERAL EXPRESS

Ms. Debbie Fript
U.S. EPA - Region V
Emergency Support Section 5HS-12
230 South Dearborn Street
Chicago, IL 60604

Re: Himco Landfill

Dear Ms. Fript:

We represent the CLD Corporation, recipient of a notice letter regarding the above-captioned site.

CLD owns real estate adjacent to the Himco Landfill which is suspected of being contaminated by activities at the Landfill or by the owners/operators of the Landfill.

CLD submitted a statement of the facts of its involvement at the Himco Landfill on October 17, 1989 (exhibit 1). At page 11 of that submission, it requested the EPA determine that CLD was not an owner, operator, generator or transporter as defined by CERCLA in relation to the Himco Landfill.

Howard & Howard, as attorneys for CLD, met with Victor Franklin, the Assistant Regional Counsel first assigned to the site. At that meeting, Mr. Franklin reviewed the bases for CLD's request for determination and stated that CLD would receive a response from the EPA "shortly." Howard & Howard conferred with Mr. Thomas Nash, Mr. Franklin's replacement and requested the same relief.

Response to 9/14/90 SW Letter

Ms. Debbie Fript

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September 19, 1990

Neither CLD nor Howard & Howard has received a response to the CLD submission. In the interim, CLD has consented to the EPA testing of its property (exhibit 2). It is cooperating with the EPA but continues to assert it is not a legitimate PRP at the Himco Landfill site. CLD is an adjacent property owner.


We again respectfully request the EPA review CLD's October 17, 1989 submission. We ask that CLD be removed from the Himco Landfill PRP list. It's mis-inclusion has many "attendant legal ramifications" as Mr. Bowden notes in his recent notice letter.

CLD is not a business. It generates no waste at all. It is merely a corporation created as an estate planning tool which holds title to the life savings of Mr. & Mrs. George Cooper. The shareholders of this corporation are Mr. and Mrs. Cooper and their son. The real estate adjacent to the Himco Landfill is unimproved property. It was purchased many years ago to stop the growth of the Himco Landfill.

We assert the net was cast too far for PRPs at this site. We further assert that even cursory EPA review of CLD's submission will reveal that under current EPA policy, owners of property adjacent to a Superfund site are not appropriate PRPs notwithstanding the possibility of migration of contamination to that property.

Sincerely,

HOWARD & HOWARD

A handwritten signature in cursive script, reading "Antoinette Beuche".

Antoinette Beuche

AB/sll
Enclosures

cc: Mr. & Mrs. George Cooper
Gregory Cooper
Thomas Nash

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CONSENT FOR ACCESS TO PROPERTY

CLD Corporation (CLD) owns property located in Elkhart, Indiana. Said property is located in Section 36, Township 38 North, Range 4 East, and lies between the North line of Section 36 and Bristol Street ("the Property"). CLD Corporation acknowledges the statutory authority to enter upon property conferred by 42 U.S.C. §9604 (e)(3) upon representatives of the President, and hereby gives to U.S. EPA, as well as its duly authorized representatives, contractors, agents, officers and assigns (collectively known as the "Agency") consent to enter upon the Property for the purpose of conducting the necessary activities incident to a Remedial Investigation and Feasibility Study (RI/FS).

CLD reserves all rights it may have against EPA for any damages and costs which may occur as a result of the above action.

This Consent for Access shall terminate upon signature of the first Record of Decision issued by U.S. EPA based on the RI/FS.

By: _____

Gregory Cooper
President, CLD Corporation

9 July 1990

Date

**FEDERAL
EXPRESS**

QUESTIONS? CALL 800-238-5355 TOLL FREE.

AIRBILL
NUMBER

5873615856

5873615856
Date
9/19/90

From (Your Name) Please Print Antoinette Beuche		Your Phone Number (Very Important) 313 645-1483		To (Recipient's Name) Please Print Debbie Pript - USEPA-Region V		Recipient's Phone Number (Very Important)	
Company HOWARD AND HOWARD		Department/Floor No.		Company Emergency Support Section SHS-12		Department/Floor No.	
Street Address 100 BLOOMFIELD HILLS PKWY				Exact Street Address (Use of P.O. Boxes or P.O. Zip Codes Will Delay Delivery And Result in Extra Charge.) 230 South Dearborn Street			
City BLOOMFIELD HILLS MI		State MI		City Chicago		State IL	
ZIP Required For Correct Invoicing 483013				ZIP Street Address Zip Required 60604			

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Cooper/CLD Corporation

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<input type="checkbox"/> PRIORITY 1 Overnight Delivery (Use Your Packaging) 9" x 12"	<input type="checkbox"/> OVERNIGHT LETTER Over Packaging 9" x 12"	1 <input type="checkbox"/> HOLD FOR PICK-UP (Fill in Section 11 at night)					
<input checked="" type="checkbox"/> OVERNIGHT DELIVERY USING OUR PACKAGING Counter Pak Overnight Envelope* 12" x 15" <input type="checkbox"/> Overnight Box A <input type="checkbox"/> 12 1/2" x 17 1/2" x 3" <input type="checkbox"/> Overnight Tube B <input type="checkbox"/> 38" x 6" x 6" *Declared Value Limit \$100		2 <input type="checkbox"/> DELIVER WEEKDAY					
<input type="checkbox"/> STANDARD AIR Delivery not later than second business day		3 <input type="checkbox"/> DELIVER SATURDAY (Extra charge) <input type="checkbox"/>					
<input type="checkbox"/> SERVICE COMMITMENT *STANDARD AIR: Delivery is scheduled early next business morning to locations. If they take two or more business days, it is not an outside our primary service areas. *PRIORITY 1: Delivery is generally next business day or not second business day. It may take three or more business days at outside our primary service areas.		4 <input type="checkbox"/> DAANGEROUS GOODS (P-1 and Standard Air Packages only Extra charge)					
		5 <input type="checkbox"/> CONSTANT SURVEILLANCE SERVICE (CSS) (Extra charge) (Do Not Complete Section 5)					
		6 <input type="checkbox"/> DRY ICE <input type="checkbox"/> INS					
		7 <input type="checkbox"/> OTHER SPECIAL SERVICE					
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		9 <input type="checkbox"/> SATURDAY PICK-UP (Extra charge)					
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